

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STEVEN ALLEN MCGEE,  
Appellant,

No. 1:09-cv-477

-v-

HONORABLE PAUL L. MALONEY

UNITED STATES OF AMERICA, ET AL,  
Appellants.

ORDER DISMISSING APPEAL AS UNTIMELY

Appellant Steven McGee, a federal prisoner, filed a complaint against the United States and more than ten other defendants. Along with the complaint, Appellant also filed a motion to waive fees. The bankruptcy judge issued an order requiring Appellant to either pay the filing fee or supplement his *in forma pauperis* application with a certified copy of his prison trust account. Appellant neglected to comply with the order and instead filed an amended complaint and a motion to seal. On March 26, 2009, the bankruptcy judge issued an order that, among other things, stayed an adversary proceeding and prevented Appellant from filing any further motions pending Appellant's compliance with 28 U.S.C. § 1915(c) or the expiration of the 30 day period as stated in the earlier order regarding Appellant's *in forma pauperis* application. On May 4, 2009, the court received Appellant's notice of appeal of the March 26 order. The date below Appellant's signature on the document reads April 29, 2009.

The appeal is untimely. Appeals from judgments, orders, and decrees of a bankruptcy judge, both by right and by leave, must be filed within 10 days of the date of the entry of the judgment, order, or decree being appealed. FED. R. BANKR. P. 8002(a). Compliance with the ten-day filing rule is a jurisdictional requirement. *In re LBL Sports Ctr., Inc.*, 684 F.2d 410, 412 (6th Cir. 1982). Appellant filed his notice of appeal more than ten days after the order was entered.<sup>1</sup> Accordingly, this court does not have jurisdiction over the appeal.

**IT IS HEREBY ORDERED:**

1. This appeal is **DISMISSED** for lack of jurisdiction.
2. All pending motions, including Appellant's motion to dismiss (Dkt. No. 15) are **DISMISSED AS MOOT**.

Date: November 5, 2009

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge

---

<sup>1</sup>If Rule 6(a) of the Federal Rules of Civil Procedure applies, notice would still be untimely.